

May 11, 2004

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852  
U.S.A.

Dear Sir or Madam:

Re: Docket No. 2002N-0278

We are writing to express our concerns regarding the interpretation of prior notice requirements under the Bioterrorism Act. On April 26<sup>th</sup>, we attended an FDA/BTA seminar in Canada to learn of the latest developments in the implementation of the Bioterrorism Act. During this meeting, your representative, Mr. Kevin V. Murray, Supervisor of the FDA/NYK-DO Buffalo Import Branch stated that it was his understanding that a separate prior notice would be required for each consignee when we make a consolidated shipment and that simply attaching a list of consignees to the entry paperwork will not satisfy the prior notice requirements. Mr. Murray further verified this understanding in an e-mail (see attachment) dated Tuesday, May 4, when he responded to the same question asked by our customs broker, Great Lakes Customs Brokerage Inc.

Our customs broker and Mr. Murray have both recommended we write to you to explain in detail why we feel the proposed changes would be incredibly onerous for everyone in the system. First, our product line is high quality, fresh roasted coffee that we ship directly to small specialty coffee shops across the United States on a "just in time" inventory basis. Twice per week we send a truck over the border with coffee orders for as many as 20 to 30 consignees. Once cleared through customs, the separate orders are dropped off at the FedEx Buffalo terminal for eventual delivery. The average value of each shipment to one consignee is approximately US\$200. In preparing one "Consolidated Shipment" entry form, we hand our customs broker, and ultimately U.S. Customs personnel, one document approximately two to four pages long which has all relevant information attached with respect to the consignees and the products being shipped. If we had to prepare a separate entry and prior notice for each consignee, this would increase the amount of paperwork by 25 fold and significantly increase the processing time required by all involved parties at the border. Our increased costs in both out-of-pocket expenses (higher brokerage fees) and time would have to be passed on to our U.S. customers, who would see a price increase of approximately 15%.

2002N-0278

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Therefore, ultimately this new requirement would significantly hurt many U.S. retailers of fine foods and beverages. In effect, these proposed new requirements represent a trade barrier for small business and are comparable to a regressive tax structure.

We ask that you reconsider implementing this "one prior notice for one consignee rule" as we fail to see how this improves the security of the U.S. food supply chain. As matters stand now, the FDA is provided with the names and telephone numbers of each consignee with each shipment that crosses the border. The FDA is capable and has all of the information necessary to contact any of our clients should they believe there is a problem with one of our products. We are more than willing to attach a hard copy of each commercial invoice with each consolidated shipment if the FDA feels this additional information would be helpful.

We would appreciate it if you would give serious consideration to this request. Please feel free to contact the undersigned at Telephone # 905-820-8520 with any questions you may have.

Yours truly,

Jim Gilliland  
U.S. Sales & Distribution

Attachment

December 23, 2003

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville MD 20852

Dear Sirs:

Re: Recommendations for Amendments to New FDA Requirements Relating to  
The Bio-terrorism Act (BTA)

We are writing to submit recommendations for amendments to new FDA paperwork requirements on food importation instituted on December 12, 2003. These administration amendments directly relate to the US bio-terrorism legislation passed in June 2002.

The purpose of our recommendations is to help achieve the principle goals of the BTA, which we believe to be:

1. Protect US food supply sources from acts of terrorism from abroad.
2. Streamline and make more efficient the importation of food items to the US from other countries.

To date, Reunion Island Coffee has complied with all the stipulations laid out by the FDA to qualify as a safe exporter of food items to the US including:

- a) Making changes to our physical plant structure to secure access to our coffee roasting, packaging and shipping areas as well as all offices.
- b) Performing background checks on Reunion Island staff to ensure no one has links to any known terrorist groups.
- c) Becoming registered under C-TPAT.
- d) Attempting to work only with suppliers and shippers who will eventually be registered under C-TPAT.
- e) Providing FDA/Customs four hours' prior notice of shipments of coffee online such that prior approval is obtained before our shipper arrives at the border.

Prior to December 12, 2003, for coffee shipments valued at \$200.00 or greater, we were required to break down our coffee exports under four categories as follows:

1. Roasted whole bean coffee.
2. Roasted whole bean decaffeinated coffee.
3. Roasted ground coffee.
4. Roasted decaffeinated ground coffee.

The new requirements effective as of December 12, 2003, require us to further break down shipments of coffee of any value according to package size and case count. This new stipulation will be extremely onerous both in terms of the time required to complete our customs' paperwork and also the brokerage costs incurred by being charged for every additional line item reported. To illustrate this point, please review the attached list of products we export broken down under each of the above-noted coffee categories. For example, under "Whole Bean Roasted Coffee" we have 32 different case sizes when each possible portion is taken into account. '

We recently calculated how many additional line items would have to be reported under the new regulations compared to how a shipment was previously reported. The number of line items reported increased from an average of 10 to more than 25 and the time required to prepare customs paperwork more than doubled.

We are requesting that the ruling regarding the breakdown of shipments into separate items re package size and case count be eliminated not only due to time/cost concerns, but also because we feel this new ruling would not, in fact, enhance security.

Yours truly

Peter Pesce  
President  
Reunion Island Coffee Limited

**REUNION ISLAND COFFEE - PACKAGE SIZE AND CASE COUNT****WHOLE BEAN ROASTED COFFEE**

8 oz x 1
8 oz x 6
8 oz x 12
8 oz x 24
8 oz x 36
8 oz x 48
12 oz x 1
12 oz x 6
12 oz x 12
12 oz x 24
12 oz x 36
1 lb x 1
1 lb x 5
1 lb x 10
1 lb x 15
1 lb x 20
1 lb x 25
1 lb x 30
2 lb x 1
1 kilo x 1
1 kilo x 2
1 kilo x 6
1 kilo x 12
1 kilo x 24
5 lb x 1
5 lb x 2
5 lb x 3
5 lb x 4
5 lb x 5
5 lb x 6
5 lb x 7
5 lb x 8

**REUNION ISLAND COFFEE - PACKAGE SIZE AND CASE COUNT****DECAFFEINATED WHOLE BEAN ROASTED COFFEE**

8 oz x 1
8 oz x 6
8 oz x 12
8 oz x 24
8 oz x 36
8 oz x 48
12 oz x 1
12 oz x 6
12 oz x 12
12 oz x 24
12 oz x 36
1 lb x 1
1 lb x 5
1 lb x 10
1 lb x 15
1 lb x 20
1 lb x 25
1 lb x 30
1 kilo x 1
1 kilo x 2
1 kilo x 6
1 kilo x 12
1 kilo x 24
5 lb x 1
5 lb x 2
5 lb x 3
5 lb x 4
5 lb x 5
5 lb x 6
5 lb x 7
5 lb x 8

**REUNION ISLAND COFFEE - PACKAGE SIZE AND CASE COUNT****GROUND ROASTED COFFEE**

1.25 oz x 20
1.25 oz x 24
1.50 oz x 64
1.75 oz x 24
2 oz x 24
2 oz x 64
2 oz x 96
2.25 oz x 64
2.25 oz x 96
2.5 oz x 64
2.5 oz x 96
3 oz x 64
8 oz x 24
10 oz x 24
12 oz x 24
14 oz x 24
16 oz x 24

**REUNION ISLAND COFFEE - PACKAGE SIZE AND CASE COUNT****DECAFFEINATED GROUND ROASTED COFFEE**

1.25 oz x 20
1.25 oz x 24
1.50 oz x 64
1.75 oz x 24
2 oz x 24
2 oz x 64
2 oz x 96
2.25 oz x 64
2.25 oz x 96
2.5 oz x 64
2.5 oz x 96
3 oz x 64
8 oz x 24
10 oz x 24
12 oz x 24
14 oz x 24
16 oz x 24



**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES****WHOLE BEAN ROASTED COFFEE**

1020	Brazil Santos	2010	African Pride
1040	Celebes Kalossi	2020	After Dinner
1060	Colombia Supremo	2060	Blue Mountain Dark
1069	Certified Fair Trade Colombia	2080	Breakfast
1080	Costa Rica Tarrazu	2095	Five Star
1090	El Salvador	2100	Gold Coast
1100	Guatemala Antigua	2110	House Blend
1120	Harar Ethiopia	2120	Island Reserve
1140	India Monson	2140	Mocha Java
1160	Java Estate	2160	Pacific Reserve
1190	Kauai Estate	2180	Privateer
1200	Kenya AA	2200	Special Reserve
1240	Maragogype	3030	Villa Doro
1260	Mexico Altura		
1310	Nicaragua La Union		
1320	Mocha		
1345	Cuban Turquino	1600	Arabica
1360	Panama	1605	Colombia
1380	Peru	1610	French Colombian
1400	Sumatra	1615	Espresso
1420	Peaberry	1616	Gayo Mountain
1440	Venezuela	1618	Continental Breakfast
1460	Yemen Matari	1619	Guatemala
1480	Yiragacheffe	1620	House Blend
1500	Zimbabwe AA	1625	Mexican Mocha
		1630	Mexico
		1635	Mocha Java
		1636	Rainforest
1135	Jamaica Blue Mountain	1640	Viennese
1130	Jamaica High Mountain		
1180	Kona Extra Fancy		

Whole Bean Roasted Coffee cont'd.....

**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES**

.....Whole Bean Roasted Coffee cont'd

3000	African Pride Dark	6200	Amaretto Almond
3080	Brazil Santos Dark	6220	B-52
3100	Continental (Medium)	6240	Banana Cream
3120	Continental Dark	6260	Bavarian Chocolate
3160	French Colombian	6340	Butter Pecan
3180	French Java	6362	Chocolate Cherry
3200	French Mocha	6365	Cinnamon Hazelnut
3240	Mocha Java Dark	6440	Chocolate Macadamia Nut
3260	Pacific Reserve Dark	6480	Cinnamon & Cream
3280	Privateer Dark	6485	Crème Brule
3300	Peakberry Dark	6511	Elmer Fudge
3310	Turkish	6530	Café Crème Liqueur (Kahlua Cr.)
3340	Viennese	6531	French Caramel
3346	West Coast Dark	6540	French Vanilla
		6560	Noisette
		6575	Highlander Cream
		6600	Irish Cream
3020	Barlino - 5lb	6620	Jamaican Rum
3040	Barlino 1 kg	6625	Jamaica Me Crazy
3150	Espresso Riserva	6630	Maple Cream
3360	Victoria Arduino Espresso 1 kg	6640	Orange Brandy (Grand Marnier)
3364	Villa Doro Espresso 1 kg	6660	Peaches & Cream
		6705	Pumpkin Spice
		6720	Raspberry Chocolate
		6760	Spiced Eggnog (seasonal)
		6785	Snickers Doodle
		6800	Swiss Mocha Almond
		6840	Viennese Cinnamon
		6850	Vanilla Hazelnut Cream
		6855	White Chocolate Chip
		6856	Vanilla Fantasia

**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES**

**WHOLE BEAN DECAFFEINATED COFFEE**

4420	Colombia Supremo SWP	6860	Amaretto Almond Decaff
4460	Costa Rica SHB SWP	6870	Bavarian Chocolate Decaff.
4480	Espresso SWP	6873	French Vanilla Decaff.
4485	French SWP	6874	Butter Pecan Decaff.
4500	Guatemala SHB SWP	6875	Cinnamon Hazelnut Decaff.
4520	Java Estate SWP	6876	French Caramel Decaff.
4540	Kenya AA SWP	6879	Highlander Cream Decaff.
4560	Mocha SWP	6880	Irish Cream Decaff.
4580	Mocha Java SWP	6900	Noisette Decaff.
4600	Sumatra SWP	6930	Raspberry Chocolate Decaff.
		6935	Snickerdoodle Decaff.
		6940	Swiss Mocha Almond Decaff.
		6950	Vanilla Hazelnut Cream Decaff.
4000	Colombia		
4020	Espresso		
4021	Espresso 1 kg. Ground		
4025	Espresso 1 kg. WB		
4060	Java		
4080	Kenya		
4100	Mocha		
4120	Mocha Java		
4140	Natural		
6951	SWP Irish Cream		
6952	SWP Vanilla Hazelnut Cream		

**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES**

**DECAFFEINATED PRE-PACKAGED GROUND COFFEE**

5400	Decaffeinated 64 x 1.50 oz
5410	Decaffeinated 64 x 1.75 oz
5420	Decaffeinated 64 x 2.00 oz
5430	Decaffeinated 64 x 2.25 oz
5440	Decaffeinated 64 x 2.50 oz
AM5990M	Decaffeinated 4 x 24/2 oz
AM5991M	Decaffeinated 4 x 24/2.25 oz
AM5995M	Decaffeinated 4 x 25/2.5 oz
10410	Decaffeinated 24/1.75 oz
10420	Decaffeinated 24/2 oz
10430	Decaffeinated 24/2.25 oz
10440	Decaffeinated 24/2.5 oz

**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES****REGULAR PRE-PACKAGED GROUND COFFEE**

5000	Colombia 64 x 1.50 oz	AM5900M	Colombia Supremo 4 x 24/2 oz
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5010	Colombia 64 x 1.75 oz	AM5901M	Colombia Supremo 4 x 24/2.25 oz
5020	Colombia 64 x 2.00 oz	AM5905M	Colombia Supremo 4 x 24/2.50 oz
5030	Colombia 64 x 2.25 oz	AM5920M	Costa Rica Tarrazu 4 x 24/2 oz
5040	Colombia 64 x 2.50 oz	AM5921M	Costa Rica Tarrazu 4 x 24/2.25 oz
5050	Colombia 64 x 8 oz	AM5925M	Costa Rica Tarrazu 4 x 24/2.50 oz
5060	Colombia 64 x 10 oz	AM5930M	House Blend 4 x 24 x 2 oz
5070	Colombia 64 x 12 oz	AM5931M	House Blend 4 x 24 x 2.25 oz
5080	Colombia 64 x 14 oz	AM5935M	House Blend 4 x 24 x 2.5 oz
5090	Colombia 64 x 16 oz	AM5940M	Island Reserve 4 x 24/2 oz
		AM5941M	Island Reserve 4 x 24/2.25 oz
5100	Five Star 64 x 1.50 oz	AM5945M	Island Reserve 4 x 24/2.5 oz
5110	Five Star 64 x 1.75 oz	AM5966M	Privateer Dark 4 x 24/2 oz
5120	Five Star 64 x 2.00 oz	AM5967M	Privateer Dark 4 x 24/2.25 oz
5130	Five Star 64 x 2.25 oz	AM5968M	Privateer Dark 4 x 24/2.5 oz
5140	Five Star 64 x 2.50 oz		
5150	Five Star 64 x 8 oz	10010	100% Colombian 24/1.75 oz
5160	Five Star 64 x 10 oz	10020	100% Colombian 24/2.00 oz
5170	Five Star 64 x 12 oz	10030	100% Colombian 24/2.25 oz
5180	Five Star 64 x 14 oz	10040	100% Colombian 24/2.5 oz
5190	Five Star 64 x 16 oz	10210	House Blend 24/1.75 oz
		10220	House Blend 24/2.00 oz
5300	Special Reserve 64 x 1.50 oz	10240	House Blend 24/2.25 oz
5310	Special Reserve 64 x 1.75 oz	10250	House Blend 24/2.50 oz
5320	Special Reserve 64 x 2.00 oz	10510	NYC Rhythm 24/1.75 oz
5330	Special Reserve 64 x 2.25 oz	10520	NYC Rhythm 24/2.00 oz
5340	Special Reserve 64 x 2.50 oz	10530	NYC Rhythm 24/2.25 oz
5350	Special Reserve 64 x 8 oz	10540	NYC Rhythm 24/2.5 oz
5360	Special Reserve 64 x 10 oz	10610	Guatemala Dark 24/1.75 oz
5370	Special Reserve 64 x 12 oz	10620	Guatemala Dark 24/2.00 oz
5380	Special Reserve 64 x 14 oz	10630	Guatemala Dark 24/2.25 oz
5390	Special Reserve 64 x 16 oz	10640	Guatemala Dark 24/2.5 oz
		10710	Midnight Blend 24/1.75 oz
5800	West Coast 64 x 2.00 oz	10720	Midnight Blend 24/2.00 oz
5810	West Coast 64 x 2.25 oz	10730	Midnight Blend 24/2.25 oz
5820	West Coast 64 x 2.50 oz	10740	Midnight Blend 24/2.5 oz
5870	West Coast 24 x 12 oz		

Regular Pre-packaged Ground Coffee cont'd.....

**REUNION ISLAND COFFEE LIMITED - PRODUCT LIST - U.S. SALES**

.....Regular Pre-packaged Ground Coffee cont'd.

6000	Amaretto 20 x 2 oz	6125	Butter Pecan 20 x 2.25 oz
6020	Bavarian Chocolate 20 x 2 oz	6126	Orange Brandy 20 x 2.25 oz
6025	Butter Pecan 20 x 2 oz	6127	Peaches & Cream 20 x 2.25 oz
6030	Café Crème Liqueur 20 x 2 oz	6128	Raspberry Chocolate 20 x 2.25 oz
6040	French Vanilla 20 x 2 oz	6192	Swiss Choc. Almond 20 x 2.25 oz
6060	Hazelnut Cr./Noisette 20 x 2 oz	6193	French Vanilla 20 x 2.25 oz
6080	Irish Cream 20 x 2 oz	6194	Amaretto Almond 20 x 2.25 oz
6100	Orange Brandy 20 x 2 oz	6195	Irish Cream 20 x 2.25 oz
6120	Peaches & Cream 20 x 2 oz	6196	Hazelnut 20 x 2.25 oz
6140	Raspberry Chocolate 20 x 2 oz	6180	Irish Cream 20 x 2.25 oz
6160	Swiss Choc. Almond 20 x 2 oz	6190	Hazelnut Cream 20 x 2.25 oz

**THE  
PERFECT BEAN  
COMPANY™****FACSIMILE COVER SHEET**

<b>SEND TO</b> Company Name <b>F.D.A</b>	From <b>PETER BAKER</b>
Attention <b>MAY NELSON</b>	Date <b>JUNE 30. 2004</b>
Fax Number <b>301-827-6870</b>	Phone Number <b>(905) 829-8520</b>

☐ Urgent ☐ Reply ASAP ☒ Please Comment ☐ Please Review ☐ For Your Information

Total pages, including cover sheet:

15**COMMENTS**

There appears to be some confusion re Docket No  
2002N-0278 which was sent to you within the  
time window stated in your fax to us 10 May 11, 2004.  
However I have attached a prior comments letter  
which we sent to you on December 23, 2003.

Peter Baker

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